

AMENDED IN ASSEMBLY MAY 19, 2014

**SENATE BILL**

**No. 26**

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**Introduced by Senator Correa**

December 3, 2012

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~~An act to amend Section 84305.5 of the Government Code, relating to the Political Reform Act of 1974. An act to amend Section 2 of the Orange County Water District Act (Chapter 924 of the Statutes of 1933), relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 26, as amended, Correa. ~~Political Reform Act of 1974: slate mailers. Orange County Water District Act: district powers.~~

*Existing law, the Orange County Water District Act, prescribes the powers of the Orange County Water District. Existing law grants the district the power to perform actions useful or necessary to replenish the underground water basin within the district, or to augment and protect the quality of the common water supplies of the district.*

*This bill would prohibit the district from entering into a real property lease agreement with a nongovernmental entity for purposes not useful or necessary to replenish the underground water basin within the district, or to augment and protect the quality of the common water supplies of the district, unless the agreement is approved by the city council in which the real property is located, if the real property is located within a city.*

*This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange.*

~~The Political Reform Act of 1974 regulates mass mailings, known as slate mailers, that support or oppose multiple candidates or ballot measures for an election. The act requires that each slate mailer identify~~

~~the slate mailer organization or committee primarily formed to support or oppose one or more ballot measures that is sending the slate mailer, and to contain other information in specified formatting. The act also requires a notice to voters in a specified type and color or print consisting of a prescribed statement be included on a side or surface of the slate mailer.~~

~~This bill would modify the font and type specifications with respect to the slate mailer organization or committee identification requirement and would revise the placement and font size and color specifications with respect to the prescribed notice to voters.~~

~~Existing law makes a knowing or willful violation of the Political Reform Act of 1974 a misdemeanor and subjects offenders to criminal penalties.~~

~~By making the format requirements of slate mailers more restrictive, this bill would impose a state-mandated local program.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes upon a 2/3 vote of each house and compliance with specified procedural requirements.~~

~~This bill would declare that it furthers the purposes of the act.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 2 of the Orange County Water District
- 2     Act (Chapter 924 of the Statutes of 1933), as amended by Chapter
- 3     802 of the Statutes of 1989, is amended to read:
- 4     Sec. 2. The "Orange County Water District" shall have the
- 5     following powers:
- 6         (1) To have perpetual succession.
- 7         (2) To sue and be sued, except as otherwise provided herein or
- 8     by law, in all actions and proceedings in all courts and tribunals.
- 9         (3) To adopt a seal and alter it at pleasure.

1 (4) To take by grant, purchase, gift, devise, or lease, to hold,  
2 use and enjoy, and to lease, convey, or dispose of, real and personal  
3 property of every kind, within or without the district, necessary or  
4 convenient to the full exercise of its powers.

5 (5) Within or outside of the district to construct, purchase, lease,  
6 or otherwise acquire, and to operate and maintain necessary  
7 waterworks and other works, machinery, facilities, canals, conduits,  
8 waters, water rights, spreading grounds, lands, rights and privileges  
9 useful or necessary to replenish the underground water basin within  
10 the district, or to augment and protect the quality of the common  
11 water supplies of the district, and purposes incidental thereto. *The*  
12 *district shall not enter into a real property lease agreement with*  
13 *a nongovernmental entity for purposes not useful or necessary to*  
14 *replenish the underground water basin within the district, or to*  
15 *augment and protect the quality of the common water supplies of*  
16 *the district, unless the agreement is approved by the city council*  
17 *in which the real property is located, if the real property is located*  
18 *within a city.*

19 (6) For the common benefit of the district and for the purpose  
20 of managing the groundwater basin and managing, replenishing,  
21 regulating, and protecting the groundwater supplies within the  
22 ~~district~~ *district*, to exercise the following powers:

23 (a) Provide for the conjunctive use of groundwater and surface  
24 water resources within the district area.

25 (b) Store water in underground water basins or reservoirs within  
26 or outside of the district.

27 (c) Regulate and control the storage of water and the use of  
28 groundwater basin storage space in the groundwater basin within  
29 the district and pursuant to the provisions set forth in Section 2.1  
30 to (1) determine the amount of storage space available in the  
31 groundwater basin within the district, (2) allocate that available  
32 groundwater storage space, and (3) enter into groundwater storage  
33 agreements, provided that the district shall have no authority under  
34 the provisions of this section, except the provisions of paragraph  
35 (l) of this subdivision, to limit the extraction of groundwater within  
36 the district, except to the extent that a party may agree thereto  
37 ~~under any such~~ *the* groundwater storage or other agreement.

38 (d) Appropriate and acquire water and water rights within or  
39 outside of the district.

40 (e) Purchase and import water into the district.

1 (f) Conserve and reclaim water within or outside of the district.  
2 (g) Buy and sell water at ~~such~~ rates as shall be determined by  
3 the board of directors.

4 (h) Exchange water.

5 (i) Distribute water to persons in exchange for ceasing or  
6 reducing groundwater extractions.

7 (j) Transport, reclaim, purify, treat, inject, extract, or otherwise  
8 manage and control water for the beneficial use of persons or  
9 property within the district and to improve and protect the quality  
10 of the groundwater supplies within the district.

11 (k) Fix the terms and conditions of any contract under which  
12 owners or operators of water-producing facilities within the district  
13 may agree to use water from an alternative nontributary source in  
14 lieu of groundwater, and to that ~~end~~ end, the district may become  
15 a party to ~~such a~~ that contract and may pay from district funds that  
16 portion of the cost of water from an alternate source as will  
17 encourage the purchase and use of the same in lieu of producing  
18 groundwater, as long as persons or property within the district are  
19 directly or indirectly benefited by the resulting replenishment.

20 (l) Fix the terms and conditions of any contract under which the  
21 owner or operator of a water-producing facility within the district  
22 may agree to increase the production of groundwater in lieu of  
23 water from an alternative nontributary source for the purpose of  
24 removing contaminants or pollutants from the groundwater basin.  
25 The district may become a party to that contract and may pay from  
26 district funds that portion of the cost of the groundwater production  
27 as will encourage the production for beneficial use of polluted or  
28 contaminated groundwater, as long as that pollution or  
29 contamination is impairing the quality of the water supplies within  
30 the district and the quality of the water supplies within the district  
31 will be improved by that production.

32 (m) Determine in the manner herein provided the amount and  
33 percentage of water produced from the groundwater supplies within  
34 the district to the total amount of water produced within the district  
35 by all persons and operators, including the total amount of water  
36 from supplemental sources; require that persons and operators  
37 produce more or less of their total water needs from the  
38 groundwater within the district than the basin production  
39 percentage determined by the district as provided herein; levy a  
40 basin equity assessment, which may be uniform or nonuniform in

1 amount as determined by the board of directors of the district, on  
2 each person and operator who produces more water from the  
3 groundwater within the district; and to compensate other persons  
4 and operators who are directed by the district to produce less than  
5 the basin production percentage from groundwater within the  
6 district.

7 (7) To provide for the protection and enhancement of the  
8 environment within and outside the district in connection with the  
9 water activities of the district.

10 (8) To provide, by agreement with other public agencies or  
11 private persons or entities or otherwise, for the recreational use of  
12 the lands, facilities, and works of the district which shall not  
13 interfere, or be inconsistent, with the primary use and purpose of  
14 the lands, facilities, and works by the district.

15 (9) To carry out the purposes of this act, to commence, maintain,  
16 intervene in, defend, and compromise, in the name of the district,  
17 or otherwise, and to assume the costs and expenses of any and all  
18 actions and proceedings now or hereafter begun to prevent  
19 interference with water or water rights used or useful to lands  
20 within the district, or diminution of the quantity or pollution or  
21 contamination of the water supply of the district, or to prevent  
22 unlawful exportation of water from the district, or to prevent any  
23 interference with the water or water rights used or useful in the  
24 district which may endanger or damage the inhabitants, lands, or  
25 use of water in the district; provided, however, that the district  
26 shall not have power to intervene or take part in, or to pay costs  
27 or expenses of, actions or controversies between the owners of  
28 lands or water rights all of which are entirely within the boundaries  
29 of the district and which do not involve pollution or contamination  
30 of water within the district or exporting water outside of the  
31 district's boundaries or any threat thereof.

32 (10) To exercise the right of eminent domain to take any  
33 property necessary to the exercise of any of the powers granted  
34 by this act, except that the district shall not have the right of  
35 eminent domain as to water, water rights, reservoirs, pipelines,  
36 water distributing systems, waterworks, or powerplants, all or any  
37 of which are already devoted to beneficial or public use and located  
38 within the watershed of the Santa Ana River, and excepting further  
39 from the exercise of the right of eminent domain by the district  
40 any property maintained and actually used for the scientific

1 propagation and study of plantlife. No language or provision of  
2 this act, or of this subdivision, shall be interpreted or construed so  
3 as to limit or abridge the right of the district, or its board of  
4 directors, to exercise its right of eminent domain to condemn  
5 property at any place within the Santa Ana River watershed for  
6 rights-of-ways upon and across and under which to construct  
7 pipelines, conduits, ~~tunnels and/or aqueducts~~ *tunnels, aqueducts,*  
8 *or any combination thereof*, necessary or convenient for any of  
9 the purposes of the district provided the property sought to be  
10 condemned for the purposes is not already being used by other  
11 corporations, municipalities, districts, or individuals for similar  
12 purposes; providing, however, that neither the district nor its board  
13 of directors shall have power to enter in or upon the Mojave River  
14 or any of its tributaries or appropriate, take, or condemn any of  
15 the water or the right to the use of any of the water of the Mojave  
16 River or any of its tributaries; nor shall anything in this act be  
17 deemed as authorizing or empowering the district or its board of  
18 directors to so do.

19 (11) The district shall, in addition to the other powers ~~herein~~  
20 granted by this act, have the following rights and powers: to act  
21 jointly with or cooperate with the United States or any agency  
22 ~~thereof of the United States~~, the State of California or any agency  
23 ~~thereof of the state~~, any county of the State of California, districts  
24 of any kind, public and private corporations, and any person or  
25 persons, to carry out the provisions and purposes of this act. In  
26 those joint or cooperative activities, the district may act within or  
27 outside of its boundaries.

28 (12) To cause assessments ~~and/or charges~~ *or charges, or both*,  
29 to be levied as ~~hereinafter~~ provided *in this act* to accomplish the  
30 purposes of this act.

31 (13) To make contracts, to employ ~~labor~~ *labor*, and to do all  
32 acts necessary for the full exercise of the foregoing powers.

33 (14) To carry on technical and other investigations of all kinds,  
34 necessary to carry out this act, and for this purpose the district  
35 shall have the right of access through its authorized representative  
36 to all properties within the district.

37 *SEC. 2. The Legislature finds and declares that a special law*  
38 *is necessary and that a general law cannot be made applicable*  
39 *within the meaning of Section 16 of Article IV of the California*

1 *Constitution because of the unique parcels of land in the County*  
2 *of Orange and the need to ensure that the land is properly leased.*

3 ~~SECTION 1. Section 84305.5 of the Government Code is~~  
4 ~~amended to read:~~

5 ~~84305.5. (a) No slate mailer organization or committee~~  
6 ~~primarily formed to support or oppose one or more ballot measures~~  
7 ~~shall send a slate mailer unless:~~

8 ~~(1) The name, street address, and city of the slate mailer~~  
9 ~~organization or committee primarily formed to support or oppose~~  
10 ~~one or more ballot measures are shown on the outside of each piece~~  
11 ~~of slate mail and on at least one of the inserts included with each~~  
12 ~~piece of slate mail in no less than 10-point black roman type against~~  
13 ~~a solid white background so as to be easily legible. A post office~~  
14 ~~box may be stated in lieu of a street address if the street address~~  
15 ~~of the slate mailer organization or the committee primarily formed~~  
16 ~~to support or oppose one or more ballot measure is a matter of~~  
17 ~~public record with the Secretary of State's Political Reform~~  
18 ~~Division.~~

19 ~~(2) On each side or surface where any candidate or ballot~~  
20 ~~measure that has paid to appear in the slate mailer appears, there~~  
21 ~~is a notice in at least 10-point black roman boldface type, against~~  
22 ~~a solid white background so as to be easily legible, and in a printed~~  
23 ~~or drawn box and set apart from any other printed matter. The~~  
24 ~~notice shall consist of the following statement:~~

26 -  
27 NOTICE TO VOTERS  
28 -

29 —THIS DOCUMENT WAS PREPARED BY (name of slate mailer  
30 organization or committee primarily formed to support or oppose one or  
31 more ballot measures), NOT AN OFFICIAL POLITICAL PARTY  
32 ORGANIZATION. Appearance in this mailer does not necessarily imply  
33 endorsement of others appearing in this mailer, nor does it imply  
34 endorsement of, or opposition to, any issues set forth in this mailer.  
35 Appearance is paid for and authorized by each candidate and ballot measure  
36 which is designated by an\*.  
37

38  
39 ~~(3) The name, street address, and city of the slate mailer~~  
40 ~~organization or committee primarily formed to support or oppose~~

1 one or more ballot measures as required by paragraph (1) and the  
2 notice required by paragraph (2) may appear on the same side or  
3 surface of an insert.

4 (4) Each candidate and each ballot measure that has paid to  
5 appear in the slate mailer is designated by an \*. Any candidate or  
6 ballot measure that has not paid to appear in the slate mailer is not  
7 designated by an \*.

8 The \* required by this subdivision shall be of the same type size,  
9 type style, color or contrast, and legibility as is used for the name  
10 of the candidate or the ballot measure name or number and position  
11 advocated to which the \* designation applies except that in no case  
12 shall the \* be required to be larger than 10-point boldface type.  
13 The designation shall immediately follow the name of the  
14 candidate, or the name or number and position advocated on the  
15 ballot measure where the designation appears in the slate of  
16 candidates and measures. If there is no slate listing, the designation  
17 shall appear at least once in at least 8-point boldface type,  
18 immediately following the name of the candidate, or the name or  
19 number and position advocated on the ballot measure.

20 (5) The name of any candidate appearing in the slate mailer  
21 who is a member of a political party differing from the political  
22 party which the mailer appears by representation or indicia to  
23 represent is accompanied, immediately below the name, by the  
24 party designation of the candidate, in no less than 9-point roman  
25 type which shall be in a color or print that contrasts with the  
26 background so as to be easily legible. The designation shall not  
27 be required in the case of candidates for nonpartisan office.

28 (b) For purposes of the designations required by paragraph (4)  
29 of subdivision (a), the payment of any sum made reportable by  
30 subdivision (c) of Section 84219 by or at the behest of a candidate  
31 or committee, whose name or position appears in the mailer, to  
32 the slate mailer organization or committee primarily formed to  
33 support or oppose one or more ballot measures, shall constitute a  
34 payment to appear, requiring the \* designation. The payment shall  
35 also be deemed to constitute authorization to appear in the mailer.

36 SEC. 2. No reimbursement is required by this act pursuant to  
37 Section 6 of Article XIII B of the California Constitution because  
38 the only costs that may be incurred by a local agency or school  
39 district will be incurred because this act creates a new crime or  
40 infraction, eliminates a crime or infraction, or changes the penalty



1 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
2 ~~the Government Code, or changes the definition of a crime within~~  
3 ~~the meaning of Section 6 of Article XIII B of the California~~  
4 ~~Constitution.~~

5 SEC. 3. ~~The Legislature finds and declares that this bill furthers~~  
6 ~~the purposes of the Political Reform Act of 1974 within the~~  
7 ~~meaning of subdivision (a) of Section 81012 of the Government~~  
8 ~~Code.~~

O